

1 AN ACT relating to police pursuit policies and making an appropriation therefor.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section, "law enforcement agency" means:*

6 *(a) Any public agency that employs a police officer as defined in KRS 15.420 or*
7 *a special law enforcement officer as defined in KRS 61.900;*

8 *(b) Any public agency that is composed of or employs other public peace*
9 *officers; and*

10 *(c) Any elected or appointed peace officer who is authorized to exercise powers*
11 *of a peace officer as defined in KRS 446.010.*

12 *(2) On or before January 1, 2021, each law enforcement agency of this state shall*
13 *adopt, implement, enforce, and maintain written policies that establish standards*
14 *and procedures for the vehicular pursuit of any person who has violated or is*
15 *suspected of violating the laws of this state. The policy shall create guidelines for*
16 *determining when the interests of public safety and effective law enforcement*
17 *justify the initiation or termination of a vehicular pursuit. The policy shall*
18 *address the following subjects:*

19 *(a) The definition of pursuit that will be governed under the law enforcement*
20 *agency's policy;*

21 *(b) Decision-making criteria or principles that are designed to assist peace*
22 *officers in determining whether to initiate a pursuit. The criteria or*
23 *principles may include but shall not be limited to:*

24 *1. The potential for harm or potential danger to others if the fleeing*
25 *individual evades or escapes immediate custody;*

26 *2. The seriousness of the offense committed or believed to be committed,*
27 *by the fleeing individual or individuals, prior to the officer activating*

- 1 emergency equipment.
- 2 3. If the officer has a reasonable and articulable suspicion that the driver
- 3 or an occupant of the vehicle in which they are fleeing represent a
- 4 clear and present danger to the public safety;
- 5 4. Safety factors that pose a risk to peace officers, other motorists,
- 6 pedestrians, or other third parties;
- 7 5. Vehicular or pedestrian traffic safety and volume;
- 8 6. Weather and vehicle conditions;
- 9 7. Potential speeds of the pursuit; and
- 10 8. Consideration of whether the identity of an offender is known and
- 11 could be apprehended at a later time;
- 12 (c) Responsibilities of the pursuing peace officer or officers, including pursuit
- 13 tactics and when those tactics are appropriate for use by the officer or
- 14 officers;
- 15 (d) Procedures for designating the primary pursuit vehicle and for determining
- 16 the total number of vehicles that are permitted to participate at one (1) time
- 17 in the pursuit;
- 18 (e) Coordination of communications during the pursuit, including but not
- 19 limited to responsibilities of the pursuing officer to communicate with his or
- 20 her communications center at the commencement of a pursuit regarding
- 21 the location, direction of travel, reason for the pursuit, and ongoing status
- 22 reporting during the pursuit;
- 23 (f) A requirement that there is supervisory control of the pursuit, including the
- 24 responsibilities of command staff or other supervisors during the pursuit, if
- 25 a supervisor is available;
- 26 (g) The circumstances and conditions where the use of pursuit intervention
- 27 tactics, including but not limited to blocking, ramming, boxing, and

1 roadblock procedures may be employed;

2 (h) Decision-making criteria or principles that are designed to assist peace
3 officers in making an ongoing determination during the course of the
4 pursuit of whether to continue the pursuit or to terminate or discontinue it.

5 The criteria or principles may include but shall not be limited to:

6 1. The potential for harm or potential danger to others if the fleeing
7 individual evades or escapes immediate custody;

8 2. The seriousness of the offense committed or believed to have been
9 committed by the individual or individuals that are fleeing;

10 3. Safety factors that pose a risk to peace officers, other motorists,
11 pedestrians, or other third parties;

12 4. Vehicular or pedestrian traffic safety and volume;

13 5. Weather and vehicle conditions;

14 6. Speeds of the pursuit;

15 7. Consideration of whether the identity of an offender is known and
16 could be apprehended at a later time; or

17 8. Where the officer has a reasonable and articulable suspicion that the
18 driver or an occupant of the vehicle in which they are fleeing
19 represent a clear and present danger to the public safety;

20 (i) Procedures for coordinating the pursuit with other law enforcement
21 agencies, including procedures for interjurisdictional pursuits; and

22 (j) A process for reporting and evaluating each pursuit by the law enforcement
23 agency.

24 (3) The policy adopted by a law enforcement agency may be a model policy that has
25 been endorsed by a national or state organization if the model complies with
26 subsection (2) of this section and other laws of this Commonwealth.

27 (4) Upon the initial adoption of the policy, a law enforcement agency shall cause a

1 full copy of its policy to be filed with the Justice and Public Safety Cabinet, which
2 shall maintain a list of law enforcement agencies that have complied with the
3 requirements of this section.

4 (5) Each law enforcement agency shall receive and maintain written confirmation
5 from each officer in its employment that he or she has received a copy of the
6 policy, and that he or she has received instruction or training specific to the law
7 enforcement agency's policy.

8 (6) Any policy adopted pursuant to this section shall be reviewed annually and may
9 be revised at any time by the agency adopting it. The agency shall cause a full
10 copy of its revised policy to be filed with the Justice and Public Safety Cabinet.

11 (7) The requirements of this section are solely intended to direct law enforcement
12 agencies to adopt, implement, enforce, and maintain written vehicular pursuit
13 policies and outline the subjects of these policies. This section shall not be
14 interpreted or construed to:

15 (a) Mandate the actions of individual peace officers of a law enforcement
16 agency during any particular pursuit;

17 (b) Restrict a law enforcement agency from adopting additional policy
18 requirements, including policies that limit or prohibit vehicular pursuits; or

19 (c) Create any civil liability upon peace officers, law enforcement agencies, or
20 any public agency for the process of creating the vehicular pursuit policies
21 or the process of documenting compliance with the vehicular pursuit
22 policies.

23 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 15 IS CREATED TO
24 READ AS FOLLOWS:

25 (1) No law enforcement officer who:

26 (a) Is not certified pursuant to KRS 15.310 to 15.510; or

27 (b) Has not completed a Council-approved course and four (4) hours each

1 *calendar year in emergency vehicle operation;*
2 *Shall be authorized to engage in the vehicular pursuit of any individual or*
3 *individuals who have violated or are suspected of violating the laws of this state.*
4 *(2) For the purposes of this section, "vehicular pursuit" means an active attempt by*
5 *an individual operating a vehicle to apprehend a fleeing person who has violated*
6 *or is suspected of violating the law who is actively attempting to elude any elected*
7 *peace officer who is authorized to exercise powers of a peace officer as defined in*
8 *KRS 446.010.*

9 ➔Section 3. KRS 15.440 is amended to read as follows:

- 10 (1) Each unit of government that meets the following requirements shall be eligible to
11 share in the distribution of funds from the Law Enforcement Foundation Program
12 fund:
- 13 (a) Employs one (1) or more police officers;
 - 14 (b) Pays every police officer at least the minimum federal wage;
 - 15 (c) Requires all police officers to have, at a minimum, a high school degree, or its
16 equivalent as determined by the council, except that each police officer
17 employed prior to the date on which the officer's police department was
18 included as a participant under KRS 15.410 to 15.510 shall be deemed to have
19 met the requirements of this subsection;
 - 20 (d) 1. Requires all police officers to successfully complete a basic training
21 course of nine hundred twenty-eight (928) hours' duration within one (1)
22 year of the date of employment at a school certified or recognized by the
23 council, which may provide a different number of hours of instruction as
24 established in this paragraph, except that each police officer employed
25 prior to the date on which the officer's police department was included
26 as a participant under KRS 15.410 to 15.510 shall be deemed to have
27 met the requirements of this subsection.

- 1 2. As the exclusive method by which the number of hours required for
2 basic training courses shall be modified from that which is specifically
3 established by this paragraph, the council may, by the promulgation of
4 administrative regulations in accordance with the provisions of KRS
5 Chapter 13A, explicitly set the exact number of hours for basic training
6 at a number different from nine hundred twenty-eight (928) hours based
7 upon a training curriculum approved by the Kentucky Law Enforcement
8 Council as determined by a validated job task analysis.
- 9 3. If the council sets an exact number of hours different from nine hundred
10 twenty-eight (928) in an administrative regulation as provided by this
11 paragraph, it shall not further change the number of hours required for
12 basic training without promulgating administrative regulations in
13 accordance with the provisions of KRS Chapter 13A.
- 14 4. Nothing in this paragraph shall be interpreted to prevent the council,
15 pursuant to its authority under KRS 15.330, from approving training
16 schools with a curriculum requiring attendance of a number of hours that
17 exceeds nine hundred twenty-eight (928) hours or the number of hours
18 established in an administrative regulation as provided by subparagraphs
19 2. and 3. of this paragraph. However, the training programs and schools
20 for the basic training of law enforcement personnel conducted by the
21 department pursuant to KRS 15A.070 shall not contain a curriculum that
22 requires attendance of a number of hours for basic training that is
23 different from nine hundred twenty-eight (928) hours or the number of
24 hours established in an administrative regulation promulgated by the
25 council pursuant to the provisions of KRS Chapter 13A as provided by
26 subparagraphs 2. and 3. of this paragraph.
- 27 5. KRS 15.400 and 15.404(1), and subparagraphs 1. to 4. of this paragraph

- 1 to the contrary notwithstanding, the council may, through the
2 promulgation of administrative regulations in accordance with KRS
3 Chapter 13A, approve basic training credit for:
- 4 a. Years of service credit as a law enforcement officer with previous
5 service in another state; and
 - 6 b. Basic training completed in another state;
 - 7 (e) Requires all police officers to successfully complete each calendar year an in-
8 service training course, appropriate to the officer's rank and responsibility and
9 the size and location of the officer's police department, of forty (40) hours'
10 duration, of which **no fewer than four (4) hours shall be in emergency**
11 **vehicle operation**~~[the number of hours shall not be changed by the council]~~, at
12 a school certified or recognized by the council. This **in-service training**
13 requirement shall be waived for the period of time that a peace officer is
14 serving on active duty in the United States Armed Forces. This waiver shall be
15 retroactive for peace officers from the date of September 11, 2001;
 - 16 (f) Complies with all provisions of law applicable to police officers or police
17 departments, including transmission of data to the centralized criminal history
18 record information system as required by KRS 17.150 and transmission of
19 reports as required by KRS 15.391;
 - 20 (g) Complies with all rules and regulations, appropriate to the size and location of
21 the police department issued by the cabinet to facilitate the administration of
22 the fund and further the purposes of KRS 15.410 to 15.510;
 - 23 (h) Possesses a written policy and procedures manual related to domestic violence
24 for law enforcement agencies that has been approved by the cabinet. The
25 policy shall comply with the provisions of KRS 403.715 to 403.785. The
26 policy shall include a purpose statement; definitions; supervisory
27 responsibilities; procedures for twenty-four (24) hour access to protective

1 orders; procedures for enforcement of court orders or relief when protective
2 orders are violated; procedures for timely and contemporaneous reporting of
3 adult abuse and domestic violence to the Cabinet for Health and Family
4 Services, Department for Community Based Services; victim rights,
5 assistance, and service responsibilities; and duties related to timely completion
6 of records; and

7 (i) Possesses by January 1, 2017, a written policy and procedures manual related
8 to sexual assault examinations that meets the standards provided by, and has
9 been approved by, the cabinet, and which includes:

- 10 1. A requirement that evidence collected as a result of an examination
11 performed under KRS 216B.400 be taken into custody within five (5)
12 days of notice from the collecting facility that the evidence is available
13 for retrieval;
- 14 2. A requirement that evidence received from a collecting facility relating
15 to an incident which occurred outside the jurisdiction of the police
16 department be transmitted to a police department with jurisdiction
17 within ten (10) days of its receipt by the police department;
- 18 3. A requirement that all evidence retrieved from a collecting facility under
19 this paragraph be transmitted to the Department of Kentucky State
20 Police forensic laboratory within thirty (30) days of its receipt by the
21 police department;
- 22 4. A requirement that a suspect standard, if available, be transmitted to the
23 Department of Kentucky State Police forensic laboratory with the
24 evidence received from a collecting facility; and
- 25 5. A process for notifying the victim from whom the evidence was
26 collected of the progress of the testing, whether the testing resulted in a
27 match to other DNA samples, and if the evidence is to be destroyed. The

1 policy may include provisions for delaying notice until a suspect is
2 apprehended or the office of the Commonwealth's attorney consents to
3 the notification, but shall not automatically require the disclosure of the
4 identity of any person to whom the evidence matched.

5 (2) A unit of government which meets the criteria of this section shall be eligible to
6 continue sharing in the distribution of funds from the Law Enforcement Foundation
7 Program fund only if the police department of the unit of government remains in
8 compliance with the requirements of this section.

9 (3) Deputies employed by a sheriff's office shall be eligible to participate in the
10 distribution of funds from the Law Enforcement Foundation Program fund
11 regardless of participation by the sheriff.

12 (4) Failure to meet a deadline established in a policy adopted pursuant to subsection
13 (1)(i) of this section for the retrieval or submission of evidence shall not be a basis
14 for a dismissal of a criminal action or a bar to the admissibility of the evidence in a
15 criminal action.

16 ➔Section 4. KRS 186.560 (Effective July 1, 2020) is amended to read as follows:

17 (1) The cabinet shall forthwith revoke the license of any operator of a motor vehicle
18 upon receiving record of his or her:

19 (a) Conviction of any of the following offenses:

- 20 1. Murder or manslaughter resulting from the operation of a motor vehicle;
- 21 2. Driving a vehicle which is not a motor vehicle while under the influence
22 of alcohol or any other substance which may impair one's driving ability;
- 23 3. Perjury or the making of a false affidavit under KRS 186.400 to 186.640
24 or any law requiring the registration of motor vehicles or regulating their
25 operation on highways;
- 26 4. Any felony in the commission of which a motor vehicle is used;
- 27 5. Conviction or forfeiture of bail upon three (3) charges of reckless

- 1 driving within the preceding twelve (12) months;
- 2 6. Conviction of driving a motor vehicle involved in an accident and
- 3 failing to stop and disclose his identity at the scene of the accident;
- 4 7. Conviction of theft of a motor vehicle or any of its parts, including the
- 5 conviction of any person under the age of eighteen (18) years;
- 6 8. Failure to have in full force and effect the security required by Subtitle
- 7 39 of KRS Chapter 304 upon conviction of a second and each
- 8 subsequent offense within any five (5) year period;
- 9 9. Conviction for fraudulent use of a driver's license or use of a fraudulent
- 10 driver's license to purchase or attempt to purchase alcoholic beverages,
- 11 as defined in KRS 241.010, in violation of KRS 244.085(4); ~~and~~
- 12 10. Conviction of operating a motor vehicle, motorcycle, or moped without
- 13 an operator's license as required by KRS 186.410; ~~and~~

14 **11. Conviction of fleeing or evading police in the second degree; or**

- 15 (b) Being found incompetent to stand trial under KRS Chapter 504.
- 16 (2) If the person convicted of any offense named in subsection (1) of this section or
- 17 who is found incompetent to stand trial is not the holder of a license, the cabinet
- 18 shall deny the person so convicted a license for the same period of time as though
- 19 he had possessed a license which had been revoked. If through an inadvertence the
- 20 defendant should be issued a license, the cabinet shall forthwith cancel it.
- 21 (3) The cabinet, upon receiving a record of the conviction of any person upon a charge
- 22 of operating a motor vehicle while the license of that person is denied, or
- 23 suspended, or revoked, or while his privilege to operate a motor vehicle is
- 24 withdrawn, shall immediately extend the period of the first denial, suspension,
- 25 revocation, or withdrawal for an additional like period.
- 26 (4) The revocation or denial of a license or the withdrawal of the privilege of operating
- 27 a motor vehicle for a violation of subsection (1)(a)1. of this section shall be for a

1 period of not less than five (5) years. Revocations or denials under this section shall
2 not be subject to any lessening of penalties authorized under any other provision of
3 this section or any other statute.

4 (5) Except as provided in subsections (3), (4), (8), and (9) of this section, in all other
5 cases, the revocation or denial of a license or the withdrawal of the privilege of
6 operating a motor vehicle under this section shall be for a period of six (6) months,
7 except that if the same person has had one (1) previous conviction of any offense
8 enumerated in subsection (1) of this section, regardless of whether the person's
9 license was revoked because of the previous conviction, the period of the
10 revocation, denial, or withdrawal shall be one (1) year. If the person has had more
11 than one (1) previous conviction of the offenses considered collectively as
12 enumerated in subsection (1) of this section, regardless of whether the person's
13 license was revoked for any previous conviction, the period of revocation, denial, or
14 withdrawal shall be for not less than two (2) years. If the cabinet, upon receipt of the
15 written recommendation of the court in which any person has been convicted of
16 violating KRS 189.520(1) or 244.085(4) as relates to instances in which a driver's
17 license or fraudulent driver's license was the identification used or attempted to be
18 used in the commission of the offense, who has had no previous conviction of said
19 offense, the person's operator's license shall not be revoked, but the person's
20 operator's license shall be restricted to any terms and conditions the secretary in his
21 discretion may require, provided the person has enrolled in an alcohol or substance
22 abuse education or treatment program as the cabinet shall require. If the person fails
23 to satisfactorily complete the education or treatment program or violates the
24 restrictions on his operator's license, the cabinet shall immediately revoke his
25 operator's license for a period of six (6) months.

26 (6) In order to secure the reinstatement of a license to operate a motor vehicle or
27 motorcycle restored following a period of suspension pursuant to KRS Chapter

1 189A, the person whose license is suspended shall comply with the fees and other
2 procedures of the Transportation Cabinet with regard to the reinstatement of
3 suspended licenses.

4 (7) The cabinet shall revoke the license of any operator of a motor vehicle upon
5 receiving notification that the person is under age eighteen (18) and has dropped out
6 of school or is academically deficient, as defined in KRS 159.051(1).

7 (8) A person under the age of eighteen (18) who is convicted of the offenses of
8 subsections (1) or (3) of this section, except for subsection (1)(a)8. or 9. of this
9 section, shall have his license revoked until he reaches the age of eighteen (18) or
10 shall have his license revoked as provided in this section, whichever penalty will
11 result in the longer period of revocation.

12 (9) A revocation or denial of a license or the withdrawal of the privilege of operating a
13 motor vehicle under this section due to a person being found incompetent to stand
14 trial shall extend until the person is found competent to stand trial or the criminal
15 case is dismissed.

16 ➔Section 5. KRS 520.100 is amended to read as follows:

17 (1) A person is guilty of fleeing or evading police in the second degree when:

18 (a) As a pedestrian, and with intent to elude or flee, the person knowingly or
19 wantonly disobeys a direction to stop, given by a person recognized to be a
20 peace officer who has an articulable reasonable suspicion that a crime has
21 been committed by the person fleeing, and in fleeing or eluding the person is
22 the cause of, or creates a substantial risk of, physical injury to any person; or

23 (b) While operating a motor vehicle with intent to elude or flee, the person
24 knowingly or wantonly disobeys a recognized direction to stop his vehicle,
25 given by a person recognized to be a peace officer.

26 (2) No offense is committed under this section when the conduct involved constitutes a
27 failure to comply with a directive of a traffic control officer.

- 1 (3) Fleeing or evading police in the second degree is a Class A misdemeanor. **In**
2 **addition, the court shall suspend the driver's license of any person who is**
3 **convicted of fleeing or evading the police in the second degree for a period of not**
4 **less than thirty (30) days nor more than one (1) year.**
5 ➔Section 6. Section 1 of this Act may be cited as Jill's Law.